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TO: Daniel R. Zirker, Art Unit 1771 - United States Patent and Trademark Office

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Application No.: 10/665,663

Inventor(s): Peter Worthington Hamilton, et al.

Filed: September 28, 2003

Docket No.: 9075ML

Confirmation No.: 8571

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/665,663
Inventor(s) : Peter Worthington Hamilton
Filed : September 18, 2003
Art Unit : 1771
Examiner : Daniel R. Zirker
Docket No. : 9075ML
Confirmation No. : 8571
Customer No. : 27752
Title : Multifunctional Adhesive Food Wraps

REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

This Brief is filed pursuant to the Examiner's Answer mailed June 1, 2007.

A timely Notice of Appeal was filed on November 21, 2006.

REAL PARTY IN INTEREST

The real party in interest is The Procter & Gamble Company of Cincinnati, Ohio.

RELATED APPEALS AND INTERFERENCES

There are no known related appeals, interferences, or judicial proceedings.

STATUS OF CLAIMS

Claims 1-5, and 7-19, are rejected. Claim 6 has been cancelled.

The rejection of claims 1-5, and 7-19, is appealed.

A complete copy of the appealed claims is set forth in the Claims Appendix attached herein.

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STATUS OF AMENDMENTS

An Amendment was filed on October 20, 2006 in response to the Final Office Action. According to the Advisory Action of November 7, 2006, this amendment has been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

As provided in independent claim 1, the invention comprises a multifunctional food wrap. The wrap comprises a material web having a first active side and a second side. The material web comprises a plurality of protrusions. The protrusions are integral with the first active side and the second side. The protrusions have spaces between them. The material web also comprises an adhesive disposed upon its first active side within the spaces between the protrusions. The adhesive comprises a first secondary functional element. The material web also comprises a second secondary functional element disposed within the material web. The second secondary functional element is disposable beyond the protrusions in response to an application of an external force to the multifunctional food wrap. See the specification at pages: 1 line 23 - 2, line 8, pages 2, line 19 - 3, line 26, pages 5, lines 3 - 15, and figure 6, all items in the figure.

As provided in independent claim 10, the invention comprises a multifunctional food wrap. The wrap comprises a material web comprising one or more layers. The material web comprises a first active side and a second side. The material web further comprises a plurality of protrusions. The protrusions are integral with the first active side and the second side. The protrusions have spaces between them. The material web also comprises an adhesive disposed upon its first active side within the spaces between the protrusions. The material web also comprises a secondary functional element disposed within the web material. See the specification at pages: 1 line 23 - 2, line 8, pages 2, line 19 - 3, line 26, pages 5, lines 3 - 15, and figure 6, all items in the figure.

As provided in independent claim 15, the invention comprises a multifunctional food wrap. The wrap comprises a material web comprising one or more layers. The material web comprises a first active side and a second side. The material web further comprises a plurality of protrusions. The protrusions are integral with the first active side and the second side. The protrusions have spaces between them. The material web also

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comprises an adhesive disposed upon its first active side within the spaces between the protrusions. The material web also comprises a secondary functional element disposed upon and integral with the protrusions. See the specification at pages: 1 line 23 - 2, line 8, pages 2, line 19 - 3, line 26, pages 5, lines 3 - 15, and figure 6, all items in the figure.

REMAINING GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1-5, and 7-19 are rejected under 35 USC §103 as unpatentable over Hamilton, et al. (US 5,968,633).

REPLY

Appellant gratefully acknowledges the withdrawal of the first three grounds of rejection of the pending claims.

1. The rejection of claims 1-5, and 7-19, as unpatentable under 35 USC §103 over Hamilton, et al., US 5,968,633.

The Examiner points to column 14, lines 17-26, of the reference as disclosing the limitation that the secondary functional element be contained within the web as well as on the surface of the web. Appellant respectfully points out that the cited portion deals with uses of disclosed structures but does not include the disclosure of additional structures. The reference does not disclose all of the limitations of the invention as claimed. Specifically, the reference fails to teach or suggest the combination of the disposition of the adhesive upon a surface of a web material as a first secondary functional element together with a second secondary functional element disposed within the web material. The reference does not teach an adhesive disposed between protrusions together with a secondary functional element disposed integral with the protrusions.

The reference fails to teach or suggest each of the limitations of the invention as claimed. The claimed features are not inherently present in the reference. The reference does not support a *prima facie* case of obviousness under 35 USC §103(a). Appellant respectfully requests that the rejection be overturned.

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SUMMARY

In view of all of the above, it is respectfully submitted that Appellant has properly rebutted the rejection under 35 USC §103. The rejection should be overturned.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY


Signature

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CLAIMS APPENDIX

1. (Rejected) A multifunctional food wrap comprising:
 - (a) a material web having a first active side and a second side, said material web comprising a plurality of protrusions, said protrusions being integral with said first active side and said second side, said protrusions having spaces therebetween;
 - (b) an adhesive disposed upon said first active side of said material web within said spaces between said protrusions;
 - (c) wherein said adhesive comprises a first secondary functional element, and
 - (d) a second secondary functional element disposed within said web of material, said second secondary functional element being disposable beyond said protrusions in response to an application of an external force to said multifunctional food wrap.
2. (Rejected) The multifunctional food wrap of Claim 1 wherein said material web is selected from the group consisting of paper, polymeric films, plastic films, cloths, fabrics, wovens, nonwovens, laminates, metal foils, coated papers, and combinations thereof.
3. (Rejected) The multifunctional food wrap of Claim 2 wherein said secondary functional elements are selected from the group consisting of chemical means, physical means and combinations thereof.
4. (Rejected) The multifunctional food wrap of Claim 3 wherein said chemical means is selected from the group consisting of antimicrobial protection, food preservation, atmosphere modification, odor elimination, product spoilage indication, freezer burn inhibition, temperature indication, nutrition and dietary benefits, flavor enhancement, moisture absorption, moisture control, enhancing microwave cooking, heating, cooling, and combinations thereof.
5. (Rejected) The multifunctional food wrap of Claim 3 wherein said physical means is selected from the group consisting of atmosphere modification, product insulation, and combinations thereof.

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7. (Rejected) The multifunctional food wrap of Claim 1 wherein said material web comprises at least one layer.
8. (Rejected) The multifunctional food wrap of Claim 1 wherein said plurality of protrusions comprise an amorphous pattern.
9. (Rejected) The multifunctional food wrap of Claim 1 wherein said adhesive and said secondary functional element are disposable beyond said protrusions in response to an application of an external force to said multifunctional food wrap.
10. (Rejected) A multifunctional food wrap comprising:
 - (a) a material web comprising one or more layers, said material web comprising a first active side and a second side, said material web further comprising a plurality of protrusions, said protrusions being integral with said first active side and said second side, said protrusions having spaces therebetween;
 - (b) an adhesive disposed upon said first active side of said material web within said spaces between said protrusions; and,
 - (c) at least one secondary functional element disposed within said web material.
11. (Rejected) The multifunctional food wrap of Claim 10 wherein said web material is a co-extruded film.
12. (Rejected) The multifunctional food wrap of Claim 11 wherein said co-extruded film comprises at least one tie layer, said tie layer comprising said at least one secondary functional element.
13. (Rejected) The multifunctional food wrap of Claim 10 further comprising a substantially hydrophobic back sheet attached to said second side of said multifunctional food wrap.

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14. (Rejected) The multifunctional food wrap of Claim 10 wherein said at least one secondary functional element is selected from the group consisting of chemical means, physical means and combinations thereof.
15. (Rejected) A multifunctional food wrap comprising:
 - (a) a material web comprising at least one layer, said material web having a first active side and a second side, said material web comprising a plurality of protrusions integral with said first active side and said second side, said protrusions having spaces therebetween;
 - (b) an adhesive disposed upon said first active side in said spaces between said protrusions; and,
 - (c) at least one secondary functional element disposed upon, and integral with, said protrusions.
16. (Rejected) The multifunctional food wrap of Claim 15 wherein said adhesive comprises a second at least one secondary functional element.
17. (Rejected) The multifunctional food wrap of Claim 16 wherein said protrusions are rupturable, said at least one secondary functional element being disposable from said protrusions in response to said external force.
18. (Rejected) The multifunctional food wrap of Claim 17 wherein said protrusions further comprise a weak region, said at least one secondary functional element being releasable from said protrusion through said weak region in response to said external force.
19. (Rejected) The multifunctional food wrap of Claim 15 wherein said at least one secondary functional element is selected from the group consisting of chemical means, physical means and combinations thereof.

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EVIDENCE APPENDIX

None

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RELATED PROCEEDINGS APPENDIX

None